

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Chapter 11
)
) Case No. 08-35653-KRH
CIRCUIT CITY STORES, INC., *et al.*,) (Jointly Administered)
)
Debtors.) Re: D.I. 3711

**RESPONSE OF DIGITAL INNOVATIONS, LLC TO OBJECTION TO
DEBTORS' TWENTY-THIRD OMNIBUS OBJECTION TO CLAIMS
(MODIFICATION OF CERTAIN DUPLICATE 503(b)(9) CLAIMS)**

Digital Innovations, LLC (“Digital Innovations”) by and through its undersigned counsel, hereby respond to Debtors’ Twenty-Third Omnibus Objection to Claims (Modification of Certain Duplicate 503(b)(9) Claims) (“23rd Claim Objection”) (Docket No. 3711), and in support thereof respectfully states as follows:

1. On November 10, 2008 (“Petition Date”), the above-captioned debtors and debtors-in-possession (collectively, “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (“Bankruptcy Code”).
2. On December 17, 2008, Digital Innovations timely filed its claim under § 503(b)(9) of the Bankruptcy Code against the Debtors’ estate in the amount of \$27,740.00 (the “Section 503(b)(9) Claim”) (Claim No. 1373).
3. Thereafter, on January 28, 2009, Digital Innovations timely filed a proof of claim, in the aggregate amount of \$163,243.78, consisting of a general unsecured claim in the amount

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of \$135,503.78 and an administrative priority claim in the amount of \$27,740.00 pursuant to Section 503(b)(9) of the Bankruptcy Code (Claim No. 7223).

4. Finally, on June 30, 2009, Digital Innovations timely filed an Administrative Expense Claim pursuant to Section 503(b) in the amount of \$102,059.64 for goods shipped to the debtor, Circuit City Stores, Inc., for the post-petition period of November 26, 2008 through December 29, 2008.

5. Pursuant to the 23rd Omnibus Objection the Debtors assert that Claim No. 1373 and the priority portion of Claim No. 7223 in the amount of \$27,740.00 are duplicative.

6. Digital Innovations believes the objection to be well taken. However, Digital Innovations wishes to preserve its rights to amend its general unsecured claim should this Court determine at some later date that its Section 503(b)(9) claim is unfounded. Furthermore, any order sustaining the Debtors' 23rd Claim Objection should provide that nothing contained therein has any affect whatsoever on Digital Innovations post-petition administrative claim in the amount of \$102,059.64.

WHEREFORE, Digital Innovations respectfully requests that the Court enter an order that is consistent with the foregoing concerns raised by Digital Innovations, and that grants Digital Innovations such further and additional relief as the Court may deem just and proper.

Dated: July 16, 2009

CHRISTIAN & BARTON, LLP

By: /s/ Jennifer M. McLemore
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CERTIFICATE

Pursuant to the *Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures* enter on November 13, 2008 [Docket No. 130], I hereby certify that on the 16th day of July, 2009 the foregoing pleading was served upon the following parties via electronic mail or via first class mail, postage prepaid:

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I further certify that the original of the foregoing pleading was filed with the Court via the Clerk's CM/ECF electronic filing system on July 16, 2009.

/s/ Jennifer M. McLemore
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